

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO

KHALID MOHAMMAD,

Plaintiff,

v.

Case No. 14-cv-170 JCH/GBW

ALLAN BANKS, *Chief of Albuquerque*
Police Department, et al.,

Defendants.

**AMENDED ORDER ADOPTING MAGISTRATE JUDGE'S PROPOSED FINDINGS
AND RECOMMENDED DISPOSITION**

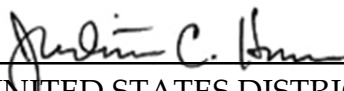
THIS MATTER is before the Court on the Magistrate Judge's Report and Recommendations (*doc. 31*) regarding Defendant Ramon Rustin's Motion to Dismiss Plaintiff's Claims and Supporting Memorandum (*doc. 23*) and Plaintiff's Motion to Amend the Complaint (*doc. 25*). Neither party has filed objections to the PFRD, and, upon review of the record, I concur with the Magistrate Judge's findings and recommendations.

Wherefore, IT IS HEREBY ORDERED that the Magistrate Judge's Report and Recommendations (*doc. 31*) is ADOPTED. Plaintiff's Motion to Amend (*doc. 25*) is hereby DENIED and Defendants' Motion to Dismiss Plaintiff's original Complaint (*doc. 23*) is GRANTED.

IT IS FURTHER ORDERED that Defendant Banks is hereby DISMISSED pursuant to 28 U.S.C. § 1915(e).

IT IS FURTHER ORDERED that Plaintiff has fourteen days (14) to amend his complaint to identify by name the defendant members of the Metropolitan Detention Center (MDC) staff that he intends to sue. Should Plaintiff fail to do so, his claims against MDC staff will be dismissed.

IT IS FURTHER ORDERED that the United States Marshal shall serve a copy of the Summons and Complaint on Defendant Harold Sennett at the address provided by Plaintiff in his Complaint (*doc. 1*). Although Plaintiff was granted *in forma pauperis* status under 28 U.S.C. § 1915 (*doc. 4*), Defendant Sennett was never served with Plaintiff's original Complaint and the Magistrate Judge did not recommend dismissing Defendant Sennett from the action at this time.


UNITED STATES DISTRICT JUDGE